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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA, ) CASE NO.: 22-CR-390-RS & 22-CR-443-RS  
17 Plaintiff, )  
18 v. ) STIPULATION AND ORDER TO CONTINUE  
19 HEVER SUAREZ ) STATUS CONFERENCE AND EXCLUDE TIME  
20 Defendant. ) FROM JANUARY 24, 2023 TO FEBRUARY 21,  
21 ) 2023  
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20 Plaintiff United States of America, by and through its counsel of record, the United States  
21 Attorney for the Northern District of California and Assistant United States Attorney Charles Bisesto,  
22 and defendant Hever Suarez (“Defendants”), by and through his counsel of record, Amy Craig, hereby  
23 stipulates as follows:

24 1. On October 4, 2022, a four-count criminal Indictment was filed with the Court, charging  
25 Defendant with violations of 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(C), conspiracy to distribute and  
26 possess with intent to distribute fentanyl and heroin, 21 U.S.C. § 841(a)(1) and (b)(1)(c), possession  
27 with intent to distribute and distribution of fentanyl and heroin, and 21 U.S.C. § 843(b), unlawful use of  
28 a communication facility. *See* Dkt. 52.

2. On October 6, 2022, Defendant was arraigned on the Indictment in Magistrate Court. His matter was set for a status conference in District Court on November 8, 2022. *See* Dkt. 55.

3. This matter is currently set for a status conference on January 24, 2023.

4. Defendant is continuing to discuss multiple potential ways to reach an early resolution of the matter. The parties have discussed potential parameters of a resolution, but need a brief continuance to work through the details. The parties are hopeful that additional time will assist in making progress towards a plea agreement. Because the co-defendant's matter is currently scheduled for February 21, 2023, the parties are asking that Mr. Suarez's case be continued to that date.

5. For these reasons, the parties are requesting a further status conference date of February 21, 2023. Additionally, the parties agree that excluding time until the February 21, 2023 court date will allow for effective preparation of counsel, taking into account the exercise of due diligence. *See 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv).* The parties further stipulate and agree that the ends of justice served by excluding the time from January 24, 2023 through February 21, 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and defendant in the prompt resolution of this case. *See id.*

The undersigned Assistant United States Attorney certifies that he has obtained approval from counsel for Defendants to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: January 23, 2023

/s/  
CHARLES F. BISESTO  
Assistant United States Attorney

DATED: January 23, 2023

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/s/  
AMY CRAIG  
Counsel for Defendant Hever Suarez

## ORDER

Based upon the representations of counsel and for good cause shown, the Court continues the status conference date from January 24, 2023 to February 21, 2023. The Court further finds that failing to exclude the time from January 24, 2023 to February 21, 2023 would unreasonably deny defense counsel and Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv).

The Court further finds that the ends of justice served by excluding the time from January 24, 2023 to February 21, 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and defendant in a speedy trial. *See* § 3161(h)(7)(A).

Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from January 24, 2023 through February 21, 2023 shall be excluded from computation under the Speedy Trial Act. *See id.*

IT IS SO ORDERED.

DATED: January 23, 2023

  
HON. RICHARD SEEBORG  
United States Chief District Judge